

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL J. MACK,

Plaintiff,

vs

6:02-CV-1283

JoANNE B. BARNHART, Commissioner,
Of Social Security,

Defendant.

APPEARANCES:

HINMAN, HOWARD & KATTELL, LLP
Attorneys for Plaintiff
P.O. Box 5250
80 Exchange Street
700 Security Mutual Building
Binghamton, NY 13902-5250

HON. GLENN T. SUDDABY
United States Attorney
Northern District of New York
Attorney for Defendant
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

DAVID N. HURD
United States District Judge

OF COUNSEL:

EUGENE D. FAUGHNAN, ESQ.
WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

DECISION and ORDER

Plaintiff, Michael J. Mack, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated June 22, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the Commissioner's decision denying disability benefits be affirmed. The plaintiff has filed timely objections to the Report-Recommendation.

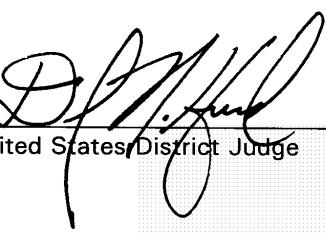
Based upon a de novo determination of the portions of the report and recommendations to which the parties have objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The Commissioner's determination is AFFIRMED; and
2. Plaintiff's complaint is DISMISSED in all respects.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 20, 2006
Utica, New York.